



Federal Register

**Monday,
December 9, 2002**

Part LXIII

Surface Transportation Board

Semiannual Regulatory Agenda

SURFACE TRANSPORTATION BOARD (STB)

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

49 CFR Ch. X

[STB Ex Parte No. 536 (Sub-No. 13)]

Semiannual Regulatory Agenda

AGENCY: Surface Transportation Board.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Surface Transportation Board (Board or STB), in accordance with the requirements of the Regulatory Flexibility Act, is publishing a semiannual agenda of: (1) current and projected rulemakings; and (2) existing regulations being reviewed to determine whether to propose modifications through rulemaking. Listed below are the regulatory actions to be developed or reviewed during the next 12 months. Following each rule identified is a brief description of the rule, including its purpose and legal basis.

FOR FURTHER INFORMATION CONTACT: A contact person is identified for each of the rules listed below.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* (RFA), sets forth a number of

requirements for agency rulemaking. Among other things, the RFA requires that, during the spring and fall of each year, each agency shall publish in the **Federal Register** a regulatory flexibility agenda, which shall contain:

(1) A brief description of the subject area of any rule which the agency expects to propose or promulgate which is likely to have a significant economic impact on a substantial number of small entities;

(2) A summary of the nature of any such rule under consideration for each subject area listed in the agenda pursuant to paragraph (1), the objectives and legal basis for the issuance of the rule, and an approximate schedule for completing action on any rule for which the agency has issued a general notice of proposed rulemaking; and

(3) The name and telephone number of an agency official knowledgeable concerning the items listed in paragraph (1).

Accordingly, a list of proceedings appears below containing information about subject areas in which the Board is currently conducting rulemaking proceedings or may institute such proceedings in the near future. It also

contains information about existing regulations being reviewed to determine whether to propose modifications through rulemaking.

The agenda represents the Board's best estimate of rules that will be considered over the next 12 months. However, section 602(d) of the RFA, 5 U.S.C. 602(d), provides: "Nothing in [section 602] precludes an agency from considering or acting on any matter not included in a regulatory flexibility agenda or requires an agency to consider or act on any matter listed in such agenda."

The Board is publishing its fall 2002 regulatory flexibility agenda as part of the Unified Agenda of Federal Regulatory and Deregulatory Actions (Unified Agenda). The Unified Agenda is coordinated by the Office of Management and Budget (OMB), pursuant to Executive Order 12866. The Board is participating in the program voluntarily to assist OMB.

Decided: August 30, 2002.

By the Board, Chairman Morgan and Vice Chairman Burkes.

Vernon A. Williams,
Secretary.

Surface Transportation Board—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
4351	Calculation of Variable Costs in Rate Complaint Proceedings Including Non-Class I Railroads, STB Ex Parte No. 589	2140-AA62
4352	Procedures to Expedite Resolution of Rail Rate Challenges to be Considered Under the Stand-Alone Cost Methodology, STB Ex Parte No. 638	2140-AA64

Surface Transportation Board—Completed Actions

Sequence Number	Title	Regulation Identification Number
4353	Arbitration—Various Matters Relating To Its Use As An Effective Means of Resolving Disputes That Are Subject To the Board's Jurisdiction, STB Ex Parte No. 586	2140-AA60
4354	Removal and Revision of Regulations, STB Ex Parte No. 637	2140-AA61
4355	Accounts, Records, and Reports—Technical Amendments, STB Ex Parte No. 636	2140-AA63

Surface Transportation Board (STB)

Long-Term Actions

4351. • CALCULATION OF VARIABLE COSTS IN RATE COMPLAINT PROCEEDINGS INCLUDING NON-CLASS I RAILROADS, STB EX PARTE NO. 589**Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 10707**CFR Citation:** None**Legal Deadline:** None**Abstract:** This proceeding was instituted to settle how the STB will estimate the variable costs of non-Class I railroads in future rail rate complaint cases.**Timetable:**

Action	Date	FR Cite
NPRM	04/30/02	67 FR 21321
NPRM Comment Period End	07/31/02	

Next Action Undetermined

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Harold J. Warren, Transportation Industry Analyst,

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RIN: 2140-AA62

4352. • PROCEDURES TO EXPEDITE RESOLUTION OF RAIL RATE CHALLENGES TO BE CONSIDERED UNDER THE STAND-ALONE COST METHODOLOGY, STB EX PARTE NO. 638**Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 721(a)**CFR Citation:** 49 CFR 1011; 49 CFR 1109; 49 CFR 1114; 49 CFR 1115; 49 CFR 1118**Legal Deadline:** None**Abstract:** The STB is considering a proposal to amend the Board's regulations at parts 1011, 1109, 1114, 1115, and 1118 to expedite the resolution of rail rate challenges considered under the stand-alone cost (SAC) methodology by: (1) making the standard for obtaining discovery more

restrictive in SAC cases; (2) creating an employee board to hear informally and rule quickly on discovery disputes in SAC cases; and (3) instituting a requirement that a shipper seeking relief from a railroad in such cases engage in non-binding mediation of its dispute with the railroad prior to filing its complaint with the Board.

Timetable:

Action	Date	FR Cite
NPRM	09/11/02	67 FR 57557
NPRM Comment Period End	10/09/02	

Next Action Undetermined

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Thomas J. Stilling, Attorney, Surface Transportation Board, 1925 K Street NW., Washington, DC 20423-0001

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RIN: 2140-AA64

Surface Transportation Board (STB)

Completed Actions

4353. ARBITRATION—VARIOUS MATTERS RELATING TO ITS USE AS AN EFFECTIVE MEANS OF RESOLVING DISPUTES THAT ARE SUBJECT TO THE BOARD'S JURISDICTION, STB EX PARTE NO. 586**Priority:** Info./Admin./Other**Legal Authority:** 49 USC 721(a)**CFR Citation:** 49 CFR 1111; 49 CFR 1109.3**Legal Deadline:** None**Abstract:** The Surface Transportation Board seeks to increase utilization of its existing procedures for voluntary arbitration of matters subject to the agency's jurisdiction, by adding to its rules a requirement that a party filing a formal complaint include a statement that it first considered arbitration.**Timetable:**

Action	Date	FR Cite
NPRM	09/24/01	66 FR 48853
NPRM Comment Period End	01/03/02	

Action	Date	FR Cite
Final Action	05/28/02	67 FR 36822
Final Action Effective	06/21/02	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Alice C. Saylor, Attorney, Surface Transportation Board, 1925 K Street NW., Washington, DC 20423

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RIN: 2140-AA60**4354. • REMOVAL AND REVISION OF REGULATIONS, STB EX PARTE NO. 637****Priority:** Info./Admin./Other**Legal Authority:** PL 104 88, sec 204; 49 USC 10708**CFR Citation:** 49 CFR 1137.2; 49 CFR 1135 (revision)**Legal Deadline:** None**Abstract:** The Surface Transportation Board removes regulations concerning expeditious procedures for publishing separate rates for distinct services, and revises regulations concerning rail cost recovery procedures, due to the elimination of certain statutory provisions upon which these regulations were based.**Timetable:**

Action	Date	FR Cite
Final Action	08/28/02	67 FR 55166
Final Action Effective	09/27/02	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** John J. Sado, Attorney, Surface Transportation Board, 1925 K Street NW., Washington, DC 20423-0001

STB

Completed Actions

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4355. • ACCOUNTS, RECORDS, AND REPORTS—TECHNICAL AMENDMENTS, STB EX PARTE NO. 636
Priority: Substantive, Nonsignificant
Legal Authority: 49 USC 721; 49 USC 11142 to 11145
CFR Citation: 49 CFR 1200; 49 CFR 1201; 49 CFR 1241 to 1244

Legal Deadline: None

Abstract: This proceeding amends regulations concerning accounts, records, and reports to reflect current STB organizational components, account titles, and accounting references. In addition, General Instruction 1-18, which was inadvertently omitted in recent publications of the accounting regulations, is added.

Timetable:

Action	Date	FR Cite
Final Action	09/11/02	67 FR 57532
Final Action Effective	09/30/02	

Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Government Levels Affected: None
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